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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,598	04/02/2004	Wataru Abe	9333/373	3130

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BRINKS HOFER GILSON & LIONE
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CHICAGO, IL 60610

EXAMINER

BROUSSARD, COREY M

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary	Application No. 10/817,598	Applicant(s) ABE, WATARU	
	Examiner Corey M. Broussard	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005 (RCE).
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 and 14-29 is/are rejected.
7) ☒ Claim(s) 30 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The rejection applied to claims 1-7 and 14-23 in the previous office action dated 6/20/2005 is maintained. Refer to said office action for the rejection with respect to said claims.
3. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (PN 5,612,927) in view of Sato et al. (PN 5,587,854). With respect to claim 24, Morrison teaches a magnetic disk device removable from an apparatus body, the magnetic disk device comprising: a case (12) including an upper case portion (12a), a lower case portion (12b), and a connector portion (41, 42, 44, 46); a driving unit (25) including a magnetic disk and a rotary driver operable to rotationally drive a magnetic disk (col 5, 44-49), wherein the driving unit is installed in the case; and a connector (42) for connecting the driving unit and the apparatus body, the connector located in the connector portion (see Fig. 2); Morrison lacks first and second elastic supporting member and a locking member. Sato teaches a case (3) including at least one first elastic supporting member connected with the lower case portion (70 is a rubber material, see Figs. 13A-14B and col 9, 13-22); a locking member (4) connected with the lower case portion (4 is connected to the lower case portion through the buttons 6 and sidewalls, see Fig. 1, 6); at least one second elastic supporting member connected with

the upper case portion (70 is connected to all sides of the case); wherein the first and second elastic supporting members are operable to elastically support the driving unit; force applied to the external of the case is operable to move the locking member to a locked position (see Fig. 2A) and an unlocked position (see Fig. 3, 4 is moved by an external force via 6a), and the driving unit (1) is locked when the locking member is in the locked position and unlocked when the locking member is the unlocked position. A person of ordinary skill could modify the sleeve (12) of Morrison to utilize the sliding locking member (4) and connector (2) of Sato where the key elements (60, 61, 62, 63) of Morrison would move the locking member to the locked position while still allowing the bay (16) to function as intended by Morrison. It would have been obvious to a person of ordinary skill in the art to combine the drive sleeve and bay of Morrison with the drive case and the teaching of utilizing shock absorbing materials inside the case of Sato to obtain a sleeve for use with a bay with a sliding locking member for the benefit of an increased protection from shock and the ability to remove the drive unit from the sleeve without disassembling the sleeve.

4. With respect to claim 25, Sato teaches wherein a front portion corresponds to a side of the magnetic disk device in which the connector is disposed (2, see Fig. 1, 2A) and a rear portion corresponds to the side opposite to the front portion (3b, see Fig. 2A), the locking member (4) reaches the unlocked position by moving towards the front portion of the magnetic disk device relative to the case, and the locking member reaches the locked position by moving towards the rear portion of the magnetic disk device relative to the case (see Fig. 2A, 3).

5. With respect to claim 26, Morrison teaches wherein the locking member is biased by a biasing member (82c, 84c) in the direction of the unlocked position (the wedge 82c, 84c biases the locking member through the case away from the first engager where the first engager is not locking the locking member, therefore the locking member is biased in an unlocked direction, see Fig. 1, 3).

6. With respect to claim 27, Sato teaches wherein the locking member (4) is disposed at an inner side of the case (see Fig. 2A), and has a switching protrusion exposed (6) at an outer surface of the case that may be accessed from the exterior of the case.

7. With respect to claim 28, Sato teaches wherein a side surface of the case has a slit (3d3), the locking member (4) is movable toward and away from the front portion of the magnetic disk device (see Fig. 2A, 3), and the switching protrusion (6) on the locking member is located in the slit (see Fig. 2B).

8. With respect to claim 29, Sato teaches wherein the side surface of the case has a groove (3d) extending forward and backward, and the slit (3d3) opens in the groove (see Fig. 2B).

Allowable Subject Matter

9. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The allowability resides in the overall structure of the device as recited in dependant apparatus claim 30 and at least in part, because claim 30 recites: "a sliding member disposed between the left and right plates and above the bottom plate, the sliding member including at least one switching hole; ... a second engager comprising a flat portion located below the bottom plate and at least one sliding protrusion located in the at least one switching hole and operable to engage a second end of the switching protrusion...".

The aforementioned limitations in combination with all remaining limitations of claim 24 is believed to render said claim 30 and all claims dependent therefrom patentable over the art of record.

The closest reference to the present invention is believed to be Morrison et al (PN 5,612,927).

Morrison teaches wherein a sliding member disposed between the left and right plates and above the bottom plate, but did not disclose "a sliding member disposed between the left and right plates and above the bottom plate, the sliding member including at least one switching hole; ... a second engager comprising a flat portion located below the bottom plate and at least one sliding protrusion located in the at least one switching hole and operable to engage a second end of the switching protrusion...".

Response to Arguments

11. Applicant's arguments filed 9/20/2005 have been fully considered but they are not persuasive. Applicant interprets Sato in a different manner than is presented in the

office action. The Applicant argues that the locking mechanism 5 of Sato would remain locked even when the disk storage unit 1 is removed from the outer case as shown in Fig. 3. The Examiner acknowledges that this may be a valid interpretation of Sato, but asserts that it is not the only valid interpretation. As stated in the rejection, the locking member 4 and the storage unit 1 are locked by locking mechanism 6 (see Fig. 2A, 2C). Therefore in the broadest reasonable interpretation, "the driving unit is locked in the case when the locking member is in the locked position". When the lock lever 6b is disengaged from the notch 3c (see Fig. 2C); then the locking member 4 and the storage unit 1 are in an unlocked position (Fig. 3). Therefore in the broadest reasonable interpretation, the driving unit is "unlocked in the case when the locking member is in the unlocked position". The Examiner asserts that this teaching falls within the scope of the claims, and maintains the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 **ANATOLY VORTMAN
PRIMARY EXAMINER**